

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Zerlena Combs

Case No. 3:10 CV 2658

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Walmart Stores, Inc.

Defendant.

Pro se Plaintiff Zerlena Combs filed this action under 18 U.S.C. §§ 241, 245 and 42 U.S.C. § 3631, against Walmart Stores, Inc. Also pending is Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 2).

Plaintiff contends Defendant violated her civil rights when she returned her purchases and her money was not refunded. Further, she alleges she was assaulted when escorted out of the store and accused of stealing.

ANALYSIS

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), the district court is required to dismiss an *in forma pauperis* action if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. 28 U.S.C. § 1915(e); *McGore v. Wrigglesworth*, 114 F.3d 601, 608–09 (6th Cir. 1997). For the reasons that follow, this action is dismissed.

Plaintiff's claims under the United States Criminal Code must fail. These criminal statutes do not provide a private cause of action. *Banks-Bey v. Acxiom*, 2010 WL 395221, at * 3 (N.D. Ohio 2010). Furthermore, a private citizen cannot initiate a federal criminal prosecution; only a grand jury can indict a criminal defendant. *Zukowski v. Bank of Am.*, 2009 WL 2132620, at * 2 (S.D. Ohio 2009). Finally, 42 U.S.C. § 3631 concerns prevention or intimidation related to fair housing, and has no application here. *See Perkins v. Lewis*, 2007 WL 1118723, at *7 (C.D. Ill. 2007).

CONCLUSION

Plaintiff's Motion to Proceed *In Forma Pauperis* is granted. This action is dismissed under 28 U.S.C. §1915(e). Furthermore, pursuant to 28 U.S.C. § 1915(a)(3), this Court certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

February 4, 2011